

Issuance Date: June 30, 2005

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

Modification Date: December 7, 2005

CITY OF COLLEGE PLACE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA-002065-6

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

City of College Place  
625 South College Avenue  
College Place, WA 99324

Plant Location: 430 Owens Road College  
Place, WA 99362

Plant Type: Activated Sludge

Receiving Water: Garrison Creek

Water Body I.D. No.: WA-32-2000

Discharge Location: Outfall No. 1 - Latitude:  
46° 01' 50" N; Longitude: 118° 25' 05" W;  
Outfall No. 2 - Latitude: 46° 01' 52" N;  
Longitude: 118° 25' 10" W

Irrigation Discharge Location: S½ of SE¼ of Sec.  
34, T. 7N, R.35E; and in N½ of NE¼ of Sec 3,  
T.6N, R.35 E, WM.

is authorized to discharge in accordance with the special and general conditions that follow.

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James M. Bellatty  
Water Quality Section Manager  
Eastern Regional Office  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	September 15, 2005
S3.E	Noncompliance Notification	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.	Waste load Assessment	Annually	April 1, 2006
S5.G.	Operations and Maintenance Manual Update	As necessary	
S6.D.	Industrial User Survey	1/permit cycle	April 1, 2006
S8.A.	Acute Toxicity Characterization Data	2/permit cycle	60 days after each subsequent sampling event
S8.B.	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S9.A	Chronic Toxicity Characterization Data	2/permit cycle	60 days after each subsequent sampling event
S9.B.	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
G1.	Notice of Change in Authorization	as necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	November 30, 2009
G21	Reporting Anticipated Non-compliance	As necessary	
G22	Reporting Other Information	As necessary	

**SPECIAL CONDITIONS****S1. DISCHARGE LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Effluent Limitations (Discharge to Garrison Creek - April through November)

Beginning on the effective date of this permit and lasting through the expiration date the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the following limitations:

	<b>EFFLUENT LIMITATIONS (a) Outfall No. 001 (Lagoon No. 3 to West Wetland); Outfall No. 002 (directly to Garrison Creek)</b>		
<b>Parameter</b>	<b>Average Monthly</b>	<b>Average Weekly</b>	
Biochemical Oxygen Demand (5 day)	15.0 mg/L, 206.0 lbs/day	23.0 mg/L, 309.0 lbs/day	
Total Suspended Solids	15.0 mg/L, 206.0 lbs/day	23.0 mg/L, 309.0 lbs/day	
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.		
<b>Parameter</b>	<b>Median of the last 7 days (c)</b>	<b>Maximum Daily (d)</b>	
Total Coliform Bacteria	23 /100 mL	240 /100 mL	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Maximum Daily</b>	<b>Minimum Daily</b>
Total Ammonia (as NH <sub>3</sub> -N)	1.0 mg/L	2.0 mg/L (e)	n/a
Temperature (g)	n/a	20.0 °C (d)(f)	n/a
Dissolved Oxygen (g)	n/a	n/a	8.0 mg/L (e) (f)
(a) The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.			
(b) The average monthly effluent concentration for BOD5 and Total Suspended Solids shall not exceed 15 mg/L or 15 percent of the respective monthly average influent concentrations, whichever is more stringent.			
(c) The median number of total coliform organisms in the effluent after disinfection does not exceed 23 per 100 milliliters, as determined from the bacteriological results of the last 7 days for which analyses have been completed.			
(d) The number of total coliform shall not exceed 240 per 100 millimeters in any one sample.			
(e) Proposed effluent limitations for maximum daily ammonia and temperature, and minimum daily dissolved oxygen.			
(f) When discharging through the constructed wetland, the permittee shall activate the cooling water system when effluent temperature from the created wetland approaches or exceed 20.0 °C.			
(g) Effluent limits temperature and dissolved oxygen are subject to the compliance schedule in S1.D.			

**B. Effluent Limitations (Discharge to Irrigation System - April through October)**

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to apply wastewater to land via spray irrigation at agronomic rates, for nitrogen and water, and at rates for other wastewater constituents that are protective of the background ground water quality.

The Permittee is authorized to apply wastewater for final treatment on the following designated irrigation lands:

Approximately 91 acres located in: S½ of SE¼ of Sec. 34, T. 7N, R.35E; and in N½ of NE¼ of Sec 3, T.6N, R.35 E, WM. Consists of the following fields: SP-1 (5.6 acres), SP-2 (0.7 acres), SP-3 (25.4 acres), SP-4 (13.9 acres), SP-5 (14.2 acres), SP-6 (2.6 acres), SP-7 (11.0 acres), SP-8 (19.0 acres), and SP-9 (1.1 acres)

Total net nitrogen and water applied to the irrigation lands shall not exceed the crop requirements as determined by the Permittee's Irrigation and Crop Management Plan, Condition S10.

**C. Discharge to Garrison Creek (December through March)**

Beginning on the effective date of this permit and lasting through the expiration date the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the following limitations:

	<b>EFFLUENT LIMITATIONS (a) Outfall No. 001 (Lagoon No. 3 to West Wetland); Outfall No. 002 (directly to Garrison Creek)</b>	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Average Weekly</b>
Biochemical Oxygen Demand (5 day) (b)	15.0 mg/L, 206.0 lbs/day	23.0 mg/L, 309.0 lbs/day
Total Suspended Solids (b)	15.0 mg/L, 206.0 lbs/day	23.0 mg/L, 309.0 lbs/day
Total Coliform Bacteria	23/100 mL (c)	240 /100 mL (d)
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
<b>Parameter</b>	<b>Average Monthly</b>	<b>Maximum Daily</b>
Total Ammonia (as NH <sub>3</sub> -N)	2.0 mg/L	3.0 mg/L (e)
(a) The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
(b) The average monthly effluent concentration for BOD5 and Total Suspended Solids shall not exceed 15 mg/L or 15 percent of the respective monthly average influent concentrations, whichever is more stringent.		
(c) Based on the median for the last seven days.		
(d) The number of total coliform shall not exceed 240 per 100 millimeters in any one sample.		
(e) Proposed effluent limitations for maximum daily ammonia (as NH <sub>3</sub> -N). Final permit limits for maximum daily ammonia will be determined at the end of the compliance schedule set forth in S1.D.		

**D. Mixing Zone Descriptions**

The maximum boundaries of the mixing zones are defined as follows:

The critical conditions of the receiving water were analyzed and concluded that stream flows are controlled by the Department of Ecology / US Corps of Engineers diversion on Mill Creek, its general use for irrigation supply, the number of Water Right permits upstream of the WWTP, and the intermittent character of the receiving stream, the Permittee was required to complete construction of the treatment plant up-grades to meet permit effluent limitations for oxygen, temperature and ammonia. Based on this analysis, the protection of the downstream aquatic environment to confluence with the Walla Walla River was established as the mixing zone and is utilized to meet the Class A receiving water standards.

**E. Schedule of Compliance**

This permit contains the following schedule to provide the Permittee time to achieve the April through November final effluent limits for temperature and dissolved oxygen. The conditions in this schedule reflect the Department of Ecology's exercise of the requirements in WAC 173-220-140.

<u>Parameter.....</u>	<u>Compliance Date</u>
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Analysis of Effluent Data (September 2003 to 2005) .....	October 30, 2006
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*Submit Engineering Report for Modifications .....	October 30, 2007
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*Design Recommended Alternative .....	October 30, 2008
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*Complete Recommended Modifications .....	June 30, 2009
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*Meet Final Effluent Limits .....	October 30, 2009
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\* The Department shall review monitoring data to determine if facility can consistently achieve treatment for temperature and dissolved oxygen as designed to meet effluent limitations. If analysis shows consistently achievable treatment for temperature and DO, then the schedule will be delayed. If schedule is delayed, the effluent data will be analyzed annually during this permit term to determine need for meeting a revised schedule for compliance. If consistently achievable treatment for temperature and DO cannot be met, the Permittee shall evaluate additional feasible methods to meet limits and submit to the amended engineering report as per the above schedule.

**F. Permit Reopener – Walla Walla River TMDL Study**

The department will complete the Walla Walla River Watershed Total Maximum Daily Load studies (TMDLs) and submit the document to the Environmental Protection Agency (EPA) for review and approval. After approval by EPA, the documents will be used by the department to develop a Detailed Implementation Plan (DIP). The guidance and schedules in the DIP will be used to develop language and waste load allocations in an amended fact sheet and permit (WA-002065-6). The Department will then reopen and modify the permit to include appropriate language and waste load allocations for discharge to Garrison Creek. The permit will be subject to normal factual (15-days) and public (30-days) review process prior to final issuance.

**S2. MONITORING REQUIREMENTS****A. Monitoring Schedule**

The Permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	Flow	MGD	Influent Meter	Continuous	Recording
"	BOD5	mg/l	Headworks	2/week	24-hour Composite
"	pH	Standard Units	"	Daily	Grab
Wastewater Effluent (001 and 002)	Flow	MGD	Effluent Meter	Continuous	Recording
"	Turbidity	NTU	Turbidity Meter	(a)	Recording
"	BOD5	mg/l	UV Bldg Effluent	2/week	24-hour Composite
"	TSS	mg/l	"	2/week	24-hour Composite
"	Total Coliform	org. /100 mL	"	Daily	Grab
"	Priority Pollutant Analysis	µg/L	"	(b)	24-hour Composite
"	pH	Standard Units	(c) and (d)	Daily	Grab
"	Ammonia (as N)	mg/l	(c) and (d)	Weekly	Grab
"	Dissolved Oxygen	mg/L	(d)	Daily	Grab
"	Temperature	°C	(d)	Daily	Measurement
Biosolids	Metals (e)	µg/L	Stabilized Sludge	Once/year	Composite (f)
(a) Record NTU reading every 4 hours (6/day), calculate average for day.					
(b) The required analysis of the priority pollutants and metals will be in the 3 <sup>rd</sup> quarter of 2007 and 2009.					
(c) Reaeration basin effluent (Outfall No. 2) shall be monitored when discharging directly to Garrison Creek.					
(d) Lagoon No. 3 effluent (Outfall No. 1) shall be monitored when discharging to West Wetland. Temperature shall be monitored prior to discharge into Garrison Creek.					
(e) Submit the monitoring data report for compliance with Table 1 and 3 of the General Permit for Biosolids Management No. BA0020656A to the permit coordinator, Water Quality Program, Eastern Regional Office as per the minimum sampling frequency noted above.					
(f) Composite of four grab sample taken from the biosolids drying beds.					
Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken four times per twenty four hours when continuous monitoring is not possible.					



**B. Ground Water Monitoring**

The sampling points for ground water will be (MW1, MW2, MW3, and MS4).

The Permittee shall monitor the ground water according to the following schedule:

<b>Parameter</b>	<b>Units</b>	<b>Monitoring Well</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Ferrous Iron	Present /Absent	MW1, MW2, MW3, MS4	Quarterly	Field Measurement
Iron (Total)	mg/l	“	“	Grab
Total Organic Carbon	mg/l	“	“	"
pH	Standard Units	“	“	"
Conductivity	Micromho/cm	“	“	"
Total Coliform	CPU/100 ml	“	“	"
Water Level	Feet	“	Monthly	Measurement
Temperature	°C	“	Quarterly	"
Bicarbonate	mg/l	“	“	Grab
Carbonate	“	“	“	“
Chloride	“	“	“	“
Fluoride	“	“	“	“
Sulfate	“	“	“	“
Total Dissolved Solids	“	“	Monthly	“
NO <sub>3</sub> (as N)	“	“	Monthly	“
TKN (as N)	“	“	Quarterly	“
Calcium	“	“	“	“
Magnesium	“	“	“	“
Potassium	“	“	“	“
Sodium	“	“	“	“
Manganese	“	“	“	“

**C. Soil Monitoring****1. Annual Monitoring**

The Permittee shall perform soil monitoring on the irrigation lands once per year. These sampling sites shall be located so as to be representative of each irrigation site or as represented in the crop management plan. If possible, sampling sites shall remain in the same vicinity from year to year. Testing at each sampling site shall be done on one foot soil increments and composited for each site. Results shall be submitted annually with the annual Irrigation and Crop Management Plan.

Composite samples will be for six depths [0-12"; 12-24"; 24-36"; 48-60" (or until auger refusal)] and will be from a minimum of four (4) cores. Samples will be collected at a time that best represents soil conditions at the beginning and end of the crop growing season.

The Permittee shall monitor the soils in the sprayfields according to the following schedule:

Parameter	Units	Sample Point	Depth Increments <sup>1</sup>
Exchangeable sodium percentage	%	Each field	
Cation exchange capacity	meq/100g	"	
Organic matter	%	"	1,2,5
Moisture content	%	"	
TKN (as N)	mg/Kg	"	1,2
NO <sub>3</sub> (as N)	mg/Kg	"	1-5
NH <sub>3</sub> (as N)	mg/Kg	"	1-5
Total-P (as P)	mg/Kg	"	
Conductivity	mmhos/cm	"	1-5
Sodium	meq/100g	"	
Calcium	meq/100g	"	
Magnesium	meq/100g	"	
Potassium	mg/Kg	"	
Sulfate (as S)	mg/Kg	"	
pH	s.u.	"	
<sup>1</sup> Depth (inches) vs. Depth increment (ft.) for composite samples:			
0 -12 inches	1 foot		
12-24 inches	2 feet		
24-36 inches	3 feet		
48-60 inches	5 feet		

#### D. Crop Monitoring

The Permittee shall perform crop monitoring on each field once per harvest. Composite samples will be comprised of at least ten (10) random samples collected from each field.

Parameter	Units
Crop production	dry tons/ac
Moisture content	%
Crude protein	%
Total Kjeldahl Nitrogen	%
NO <sub>3</sub> (as N)	mg/Kg (dry wt)
Total-P (as P)	%

Parameter	Units
Sodium	mg/Kg (dry wt)
Magnesium	"
Potassium	"
Calcium	"

E. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

F. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

G. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

### S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be

summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the Department of Ecology, Eastern Regional Office, North 4601 Monroe Street, Spokane, Washington 99205.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

**B. Records Retention**

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

**C. Recording of Results**

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

**D. Additional Monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

**E. Noncompliance Notification**

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the treatment plant and be made available for review upon request by the Ecology inspectors.

#### **S4. FACILITY LOADING**

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Average Flow for the Maximum Month: ..... 1.65 MGD  
 Maximum Daily Flow ..... 2.00 MGD  
 Instantaneous Peak Flow ..... 5.70 MGD  
 Irrigation Discharge for Maximum Month..... 1.65 MGD  
 BOD<sub>5</sub> Loading for Maximum Month ..... 4,500 lbs/day  
 TSS Loading for Maximum Month..... 3,400 lbs/day

B. Plans for Maintaining Adequate Capacity

The permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

- a. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
- b. when the projected increase would reach design capacity within five years,

whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.

4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Waste load Assessment

The Permittee shall conduct an annual assessment of their flow and waste load and submit a report to the Department by April 1, 2006, and annually thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and (except for the first report) the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

## **S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class III plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

For Reliability Class II - The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.



- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual (Irrigation System)

An Operations and Maintenance (O&M) Manual shall be amended by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for approval within (six months) after permit effective date. The O&M Manual shall be reviewed by the Permittee at least annually. The Permittee shall confirm the review by letter and/or a manual update to the Department. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual. The approved operation and maintenance manual shall be kept available at the treatment plant.

The operation and maintenance manual shall contain the irrigation system control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

The manual shall include:

1. Emergency procedures for irrigation system shutdown and cleanup in event of wastewater system upset or failure;
2. Irrigation system operational controls and procedures, including irrigation scheduling;
3. Protocols and procedures for ground water monitoring network sampling and testing;
4. Irrigation system maintenance procedures;

H. Irrigation Land Application

1. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the state or to any land not owned by or under control of the Permittee.
2. The Permittee shall use recognized good practices, and all available and reasonable procedures to control odors from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
3. The wastewater shall not be applied to the irrigation lands in quantities that:
  - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
  - b. Cause long-term anaerobic conditions in the soil.
  - c. Cause ponding of wastewater and produce objectionable odors or support insects or vectors.

- d. Cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.
4. The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit cycle. Any reduction in irrigation lands by termination of any irrigation agreements may result in permit modification or revocation. The Permittee shall immediately inform the Department in writing of any proposed changes to existing agreements.

## **S6. PRETREATMENT**

### **A. General Requirements**

The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

### **B. Wastewater Discharge Permit Required**

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

### **C. Identification and Reporting of Existing, New, and Proposed Industrial Users**

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

### **D. Annual Submittal of List of Industrial Users**

The Permittee shall submit annually to the Department a list summarizing all existing and proposed SIUs and PSIUs. This list must be received by the Department by April 1<sup>st</sup> of each year of the permit.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
  - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
  - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
  - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
  - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
  - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
  - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
  - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Stormwater, and other direct inflow sources.

- c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

## S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters

## S8. ACUTE TOXICITY

### A. Testing Requirements

The Permittee shall test final effluent once in the last summer and once in the last winter and submit results with the application for permit renewal. The three species listed below shall be used on each sample and the results submitted to the Department as a part of the permit renewal application process. The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F).
- 3) Rainbow trout, *Oncorhynchus mykiss* (96-hour static-renewal test, method: EPA/600/4-90/027F)

### B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

## S9. CHRONIC TOXICITY

### A. Testing Requirements

The Permittee shall test final effluent once in the last summer and once in the last winter and submit with the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 99% effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i>	EPA/600/4-91/002

### B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

## **S10. IRRIGATION AND CROP MANAGEMENT PLAN**

An Irrigation and Crop Management Plan shall be submitted annually by April 1<sup>st</sup> for Department review. The plan shall generally conform with *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology 1993. The plan must be prepared by a soil scientist. The plan shall include the following elements:

### **A. Annual Summary of Farm Operations for Previous Year**

This summary shall include:

1. For each crop grown, the total acreage and quantity harvested.
2. Calculated balances for nutrients, salts, TDS, or other design limiting parameters. The calculations shall include crop consumptive use, process wastewater loadings of nutrients, salts, TDS or other design limiting parameters, contributions from commercial fertilizers applied, and biosolids.
3. Calculated water balance. The calculations shall include irrigation system efficiency and application uniformity, the quantity of supplemental irrigation water and process wastewater applied, crop consumptive use, water stored in the soil profile outside the normal growing season, and salt leaching requirements.
4. Soil testing results. A summary of the soil testing results shall be submitted and discussed as part of the annual Irrigation and Crop Management Plan.

B. Cropping Schedule for Upcoming Year

This schedule shall include:

1. Crop Management. The proposed acreage for each crop, cultivation and harvesting requirements, expected crop yields, and methods for establishing a crop, and proposed schedule for herbicide, pesticide, biosolids, and fertilizer application.
2. Irrigation Management. The frequency and timing of wastewater and supplemental irrigation water application (including harvest and non-harvest periods), and recommended rest cycles for wastewater application where organic or hydraulic loading is a concern.

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

### **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.



- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
  - 1. A material change in the condition of the waters of the state.
  - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  - 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  - 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  - 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

#### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

#### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

#### **G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

#### **G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

**A. Transfers by Modification**

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

**G23. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.